UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,169	06/01/2001	Seda Taysi	062546-0293247	8768

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EXAMINER
FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/872,169	TAYSI, SEDA
	Examiner	**Art Unit**	
	Joseph A. Fischetti	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 October 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>4,5,10-13,18-20 and 25-27</u> is/are pending in the application.

    4a) Of the above claim(s) <u>3 and 22-24</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>4,5,10,11,13,18-20 and 25-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Election/Restrictions

Claims 3,22,23,24 are withdrawn from further consideration pursuant to 37 CFR

1.142(b), as being drawn to a nonelected claims 3,22,23, there being no allowable

generic or linking claim. Applicant timely traversed the restriction (election) requirement

in the reply filed on 10/7/05. Applicant has objected to the restriction requirement based

on the number of restrictions presented in the proceedings. However, each restriction

was made in response to a newly presented invention instituted by the applicant in an

amendment and thus it was only fair the application be limited to a single inventive

concept as it is presently done. It is noted that these claims have not been cancelled as

it was stated in the response of 10/7/05. The restriction is made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 4,5,10,11,13,18,19,20, 25-27 ARE rejected under 35 U.S.C. 103(a) as

being unpatentable over Pfenninger et al. in view of Dohanich et al. and Lawlor et al.

Pfenninger et al. disclose creating at least one online questionnaire (survey col. 4

lines 4-9) residing on a web site (web server 16 and database 12 provide a website)

and wherein access to said web site is protected by at least an interviewee specific

password (website defined as the survey questions which are accessed using a valid ID

col. 5 lines 34-36), providing management tools to an administrator managing said online questionnaire process wherein said management tools includes providing a tracking tool allowing the administrator to track the progress of the completion of said questionnaire by each interviewee (see col. 8 lines,20-30 for the disclosure of a status page tracking the number of completed tests). Pfenninger et al. do disclose providing data organization tools allowing the administrator to document and determine results based on the response data collected from interviewee questionnaire (col. 7, lines15-22) and further provides an email management toll allowing the administrator to generate an email related to the questionnaire (see, Pfenninger et al. at col. 10 lines 8-27 which disclose a series of emails related to questionnaire e.g. read as a campaign of e-mails) and a report generating tool allowing tracking reports to be generated col. 7 lines 20-21. However the documentation does not mention tax appraisal of the given tested.

Dohanich et al. does disclose using questionnaire information to evaluate a person's tax exposure based upon activity related to tax data. It would be obvious to modify the method of Pfenninger et al. to include a tax assessment mode using activity based inquiry since the Pfennijnger et al, the motivation being to provide remote access to information for evaluation purposes and the remote evaluation and assessment of information.

Regarding the newly added limitations:

"Report generating tools for generating reports including matrix reports and reports used in documenting" is deemed to be found in Dohanich et al on line col. 7 line 36 e.g. "provision for matrixing of responses". Hence it is deemed an obvious modification to use data already in matrix form as taught by Dohanisch et al. to produce reports in the same matrix format which obviously would contain the tax based data of Dohanich. Regarding the function of identifying errors and making corrections thereto, Pfenninger et al col. 6 lines 42-59 discloses an error checking system which occurs before the test reports are saved to a database. But there is no disclosure of correcting these eros once identified. However, Lawlor et al. discloses col. 25 line 9 an error correcting feature which is used to insure that data inputted is correct. It would be obvious to apply this feature to the input taken in Dohnaich et al. to insure that if a mistake is made at the input stage, it can be corrected before saved to a database.

Re claim 4: as set forth above, Pfenninger et al. disclose, inter alia, at least one online questionnaire residing on a password protected web site; providing administration tools for organizing and documenting said tax data; providing report generating tools (col. 7 line 44). However the application to a tax data application is not specifically disclosed to generate a tax credit based upon activities responded to. But Dohanich et al. do disclose using questionnaire information to evaluate a person's tax exposure/ exemptions. It would be obvious to use in the method of Pfenninger et al. a tax assessment mode which includes using said report generating tool to generate reports used in documenting and determining tax credit (credits are deemed effectively credits

where income is substantial, note however that Fig. 3A covers R&D) as taught by
Dohanich et al. since the Pfennijnger et al provides remote access to information for
evaluation purposes the motivation being the remote evaluation and assessment of
information.

Re claim 5/25/26/27: Fig. 3A covers a tax break for R&D, and the responder to the
questionnaire would obviously need to be one closely involved with the company, e.g.
an employee.

Re claim 10: Pfenninger et al., the pre-populated data in said questionnaires general
information section is read as the pre-selected subject matter of the survey used.

Re claim 11:see valid ID col. 5 lines 34-36 of Pfenninger et al. for access.

Re claims 13. See col. 10 lines 55-62 for concurrent review of survey responses by
administrator in Pfenninger et al. The involved one of the questionnaires being
reviewed is read as the "selected".

Re claim 18: see col. 5 lines 25-32 in Pfenninger et al. for disclosure of URL with
embedded link in email message answering using IP addresses and limiting access by
assigning interviewee specific passwords.

Re claim 19: use old password protected web sites are old, the tester assignment page110 allows notice of users in Pfenninger et al.

Re claim 20: Official Notice is taken with respect to the old and notorious use of instructions in administering a survey questions.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Primary Examiner Joseph A. Fischetti at telephone number 571 272 6780.

Joseph A. Fischetti
Primary Examiner
Art Unit 3627